IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

Bail Appl..No. 7229 of 2007()

CMP.5489/2007 of J.M.F.C.-II, CHENGANNUR
CR.NO.163/07 OF CHENGANNUR EXCISE RANGE.

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PETITIONER/ACCUSED

AJI, S/O.THAMPI, AGED 28 YEARS,
KUNNAUMPRATHU PUTHEN VEEDU @ AMBADI,
PERISSERY MURI, PULIYUR VILLAGE, CHENGANNUR.

BY ADV. SRI.AJITH MURALI

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 7229 of 2007

Dated this the 30th day of November, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He is the 1st accused. Altogether, there are 4 accused persons. The allegation is that the petitioner was found to keep in his possession 12 litres of spirit on 1/10/07. He surrendered on 29/10/07. He continues in custody from that date. The learned Public Prosecutor reports that the petitioner has three other crimes – all registered under the Abkari Act, also against him.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The learned counsel for the petitioner submits that the petitioner's child is ill and the petitioner's presence is required in connection with the treatment of the child.

3. The learned Public Prosecutor, after taking instructions, does not oppose the application on condition that the Investigator is granted reasonable further time to complete the investigation considering the nature of the offence alleged and the antecedents of the petitioner. The learned Public Prosecutor, after getting necessary verification done through the Investigating Officer, submits that while it is true that the petitioner's child is ill and requires treatment, there is no medical emergency as to justify the claim for immediate release of the petitioner on that ground.

4. I am satisfied that regular bail can be granted to the petitioner subject to appropriate terms and conditions.

5. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 12/12/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the

like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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